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27 February 1985

DCI Report to Congressional Committees: Outline

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 - Staffing: 8 new slots

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4 March 1985

HISTORICAL REVIEW PROGRAM

DCI Report to Congress

(Preliminary Draft for Consultants)

1. Objective

In November 1984 President Reagan signed into law the Central Intelligence Agency Information Act (Appendix A), which authorizes the Director of Central Intelligence (DCI) to exempt certain files from disclosure under the Freedom of Information Act. Section 3(a) of this Act also states that

The Director of Central Intelligence, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, shall prepare and submit by June 1, 1985, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

The Act further directs the DCI to submit this report to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

In response to this statutory requirement, the DCI and members of his staff will meet on 18-19 March 1985 at CIA Headquarters with the Archivist of the United States, Dr. Robert M. Warner, the Library of Congress's Assistant Librarian for Research Services, Dr. John C. Broderick, and the following three historians selected by the Archivist:

Dr. John Lewis Gaddis, Distinguished Professor of History, Ohio University

Dr. Richard W. Leopold, William Smith Mason Professor of American History Emeritus, Northwestern University

Dr. Gaddis Smith, Larned Professor of History, Yale University

(Appendix B has biographical data on all five consultants.)

The 1 May 1984 Report on this Act of the House Permanent Select Committee on Intelligence noted that

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The Committee expects the Director's report to explore the full range of ideas which can contribute to the objective of making available CIA information of historical value on the diplomatic, military and intelligence activities of the United States without risking damage to the security or foreign policy of the Nation. The Committee considers the Foreign Relations of the United States series published by the Department of State to be an excellent example of a project which contributes to this objective. Because of the especially sensitive nature of the work of the CIA, this type of large-scale chronological disclosure of CIA information of historical value may not be possible. However, the Committee expects the report of the Director of Central Intelligence to explore this possibility on some appropriate scale, along with exploring other ideas which can contribute to the objective set forth above.

Section 3 is intended to require the Director of Central Intelligence to study the feasibility of a declassification program which would supplement the voluntary [sic] declassification review program agreed to in an exchange of letters of October 3 and 4, 1983, between Director of Central Intelligence William J. Casey and Senator Dave Durenberger. Those letters refer to "selective" review of materials that the CIA believes "would be of greatest historical interest and most likely to result in declassification of useful information." The type of systematic review Section 3 requires the Director to consider would take into account similar criteria, but would envisage a greater volume of declassification.

Some comment on the October 1983 agreement between the DCI and Senator Durenberger, and on the release of OSS records that followed, is needed before considering the Historical Review Program that CIA is now organizing. (Appendix C has copies of the exchange of letters of 3 and 4 October 1983.)

2. Casey-Durenberger Agreement and the OSS Records

This agreement envisioned a CIA historical review program organized after passage of the CIA Information Act, using additional resources Congress would then provide for this purpose. In the meantime, however, CIA took steps to transfer to the National Archives and Records Service (NARS) its entire holdings of OSS operational records, a large collection of major historical importance.

As noted in his 4 October 1983 letter to Senator Durenberger, Mr. Casey had already on his own initiative asked the Chief of his History Staff to explore a program to review for transfer to NARS some 2500 cubic feet of World War II OSS records in CIA's custody. In June 1984, after CIA and NARS concluded a Memorandum of Understanding concerning procedures and responsibilities (Appendix D), the transfer began. On 11 June 1984 the National Archives opened for research the first 194 cubic feet increment of OSS operational records. As Mr. Casey then wrote to Senator Durenberger, this transfer constituted "an important first step in implementing the selective declassification program I promised to initiate last October."

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By March 1985, having transferred approximately 600 cubic feet of OSS records, the Agency has found that it can review, prepare and transfer these files rather faster than NARS has been able to receive, process and open them to the public. The transfer of a collection of this size is a large undertaking for both CIA and NARS, and the two agencies are cooperating closely to maintain the transfer pace. It may nevertheless be late 1986 before all these OSS records are open to researchers.

3. Historical Review Program

The review and transfer of OSS records, however, has been an interim measure, and since the passage last fall of the CIA Information Act the Agency has moved systematically to establish its new Historical Review Program. As Senator Durenberger promised, Congress provided CIA with additional people--10 additional positions--to support this review program. Principal responsibility for this program has been assigned to the Director of the Office of Information Services (OIS), in the Directorate of Administration. The role of the DCI History Staff is to consult with outside historians, and to use its professional expertise to advise both the Agency's components and the OIS on the selection of records of the greatest historical interest and significance. Of the 10 new positions, eight were allocated to OIS, and two to the History Staff. Both organizations have moved to fill these positions.

Since November 1984 OIS and the History Staff have worked together to establish the new Historical Review Program. They see no purpose in attempting to distinguish between the voluntary program to which Mr. Casey committed CIA in his 4 October 1984 letter to Senator Durenberger, and the systematic program that Section 3 of the CIA Information Act proposes. CIA has in fact decided to organize a maximum effort from the outset to declassify and release historically significant records. It is this program whose rationale, organization and methods we describe below. And it is this Historical Review Program that we ask our consultants to evaluate, in order to determine whether it is indeed the maximum feasible program for CIA.

4. Rationale and Criteria

CIA recognizes that it is accountable not only to Congress but also to the American public. Congress, historians, the media and the general public clearly expect us (after proper review) to release documents of historical significance that no longer require the protection of national security classification. The Freedom of Information Act already makes this clear, and our exemption from searching operational records under the new CIA Information Act increases the pressure to release other records. We need the confidence of the American public to do our work, and to help keep this confidence we are undertaking a major program to review CIA records of historical value for declassification and release.

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We agree with Senator Durenberger's view in his 3 October 1984 letter to Mr. Casey, that "The important thing is to make the declassification of historical information a cooperative endeavor, rather than a test of wills fought out in FOIA requests and courtrooms." Following his suggestion, we are establishing procedures to review and declassify material in files that are either "non-designated" or "de-designated" under the new CIA Information Act.

In selecting records, as Mr. Casey noted in his 4 October 1984 reply to Senator Durenberger, we expect to concentrate our efforts on files that are of the greatest historical interest, and are most likely to result in the declassification of useful information. As a general rule this latter criterion will mean focusing on files that are at least 20 or 30 years old, as opposed to more recent material. We intend to begin with the Agency's oldest records not only because they can be expected to produce the most releasable material, but also because we hope to conform as closely as feasible to the regular procedures followed throughout the U.S. government for transferring permanent records to the National Archives. We do not propose to pick out individual documents on particular topics from various files, but rather to use the advice from NARS and our own historians to select significant classes of records for review. Beginning with our oldest records, we propose to move systematically to review coherent groups of documents that are included in NARS's schedules of permanent records. We intend to cooperate and coordinate closely with NARS in this program, using the valuable experience and working relationships we have gained in transferring the OSS operational records.

Our oldest unreleased records now are those of CIA's postwar predecessor organizations, the Strategic Services Unit and the Central Intelligence Group, which cover the period 1 October 1945 to 18 September 1947. CIA has already taken steps for the review of these records, so that in due course we can transfer those that are declassified to the National Archives. As we next move to select records from the files of CIA proper, since 1947, we hope to release historically significant documents that will make CIA material available--as the State and Defense Departments' material is generally available--up to the 1960s.

5. Organization and Methods

CIA has established a centralized Historical Review Program, with principal responsibility assigned to the Director of Information Services. The Office of Information Services, as explained above, relies on History Staff advice in selecting historically important records. In the Office of Information Services, the Classification Review Division (and especially its newly formed Historical Review Branch) carries out the actual review of records once selected, and arranges for the originating components to approve declassification decisions. This division, which has extensive experience with CIA's 1977-82 systematic review program, develops review guidelines and procedures in accordance with relevant CIA and other federal directives. (Information on guidelines, procedures, the actual review process and reporting requirements will be included in the consultants' briefings at the 18-19 March meetings.)

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The Chief of the History Staff is investigating the House Permanent Select Committee's suggestion that CIA consider publishing documents in a series similar to The Foreign Relations of the United States (FRUS). He has found that the State Department's Historian's Office is considering publishing supplements to earlier FRUS volumes, to provide relevant documents that have been declassified since the publication of the original volume. In discussions with State's Deputy Historian, Dr. Neal Petersen, he has found a strong interest in incorporating in such supplementary volumes material that CIA's new Historical Review Program will make available. This seems the most promising and useful way in which CIA can publish its most significant declassified documents.

6. Conclusions

(To be determined after the 18-19 March meetings with the consultants.)

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March 14, 1986

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MEMORANDUM FOR: C/ITB/IRMD

FROM: [] RCO/HRB/CRD

SUBJECT: Approval to initiate CRD data base

[]
I talked with [] yesterday about your need to get started on the modifications to DECAL/ORIS to meet HRB/CRD needs. He agreed that "no news is good news" and therefore we have no objections to ITB working on the changes using the guidance provided by us last month.

Call me on [] if you need any further guidance.



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